

AO 91 (Rev. 02/09) Criminal Complaint

# United States District Court

for the  
Western District of New York

United States of America )

v. )

DARYLL CLARK )

*Defendant*

Case No. 20-MJ- 730

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

Between on or about March 2020 and May 2020, in the county of Monroe in the Western District of New York and elsewhere, the defendant violated 18 U.S.C. § 2251(a), an offense described as follows:

DARYLL CLARK knowingly and willfully persuaded MV to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, knowing that such visual depiction was transmitted in interstate commerce.

This criminal complaint is based on these facts:

X Continued on the attached sheet.

Please see attached affidavit

  
Complainant's Signature

Barry W. Couch, S/A FBI  
Printed name and title

Sworn and subscribed to before me this  
1<sup>st</sup> day of October, 2020

  
Judge's signature

City and State: Rochester, New York

Hon. Mark W. Pedersen, U.S. Magistrate Judge  
Printed name and title

**AFFIDAVIT IN SUPPORT OF A SEARCH WARRANT**

STATE OF NEW YORK    )  
COUNTY OF MONROE    )       ss:  
CITY OF ROCHESTER    )

I, Barry W. Couch, being duly sworn, depose and say:

1.     I am a Special Agent (SA) of the Federal Bureau of Investigation (FBI). I have been a Special Agent for approximately eleven years. I am currently assigned to the Buffalo Division, Rochester, New York, Resident Agency. My duties focus on investigating the sexual exploitation of minors, including violations of Title 18, United States Code, Sections 2251(a) (production of child pornography), 2252A(a)(2)(A) & 2252A(a)(5)(B) (receipt and possession of child pornography), and 2422(b) (coercion and enticement) (the "SUBJECT OFFENSES").

2.     This affidavit is made in support of a criminal complaint charging the defendant, DARYLL CLARK, with producing child pornography in violation of Title 18, United States Code, Section 2251(a).

3.     The information contained in this affidavit is based upon my personal knowledge and observations, my training and experience, conversations with other law enforcement officers, and the review of documents and records. As set forth below, there is probable cause to believe CLARK did produce child pornography.

4.     Because this affidavit is being submitted for the limited purpose of establishing

probable cause to secure a criminal complaint, I have not included every detail of the investigation. Rather, I have set forth facts that I believe are necessary to establish probable cause that CLARK did violate 18 U.S.C. § 2251(a). Unless specifically otherwise indicated, all conversations and statements described in this affidavit are related in substance and in part.

### **PROBABLE CAUSE**

5. On May 2, 2020, Cooperating Witness #1 (CW1) reported to the Independence Police Department, in Independence, Missouri, that he had located inappropriate activity between his 15 year old daughter, Minor Victim (MV), and an individual going by “Daddy Dom”, on MV’s cell phone. CW1 provided his consent for MV’s cell phone content to be examined by the Independence Police Department. Independence Police located the following “contacts” in MV’s phone:

- “Daddy”— 585-XXX-6914
- “Mommy”— 585-XXX-5664
- “Daddy’s Friend Michael”— 585-XXX-7679, and
- “Daniel Roommate Nate”— 585-XXX-3757

6. An FBI subpoena return from Verizon revealed the subscriber of phone number 585-XXX-6914 on May 1, 2020, to be DARYLL CLARK, 194 Heritage, Rochester, New York. CLARK is presently a registered sex offender being supervised by New York State Parole officers in Rochester, New York. These authorities were previously unaware of phone number 585-XXX-6914 for CLARK.

7. Independence Police also located text messages dated from March 15, 2020, to May 2, 2020, between MV and “Daddy” (585-XXX-6914). In the texts, “Daddy” identified

himself as "Daniel Adam James," and told MV his address was 45 Chamberlain Avenue, Rochester, NY, 14609. At the beginning of the text messages, MV identified herself as being 15 years old.

8. According to the Independence Police Department, in the texts sent at the request of "Daniel Adam James," MV sent approximately 68 pictures of her vagina, approximately 7 pictures of her touching her vagina, approximately 8 videos of her full body naked, approximately 28 videos of her touching her vagina with her fingers and other objects, and approximately 4 videos of her urinating and defecating.

9. "Daniel Adam James" also sent MV an internet link, and instructed her to open the link and send him back the picture in the link. MV complied, with the picture being of a prepubescent girl having sexual intercourse with an adult male. "Daniel Adam James" told MV at one point he wanted to role play that he and MV were married, and told MV to pick the ages of their children so they could have incestual sex with their imaginary children. "Daniel Adam James" also instructed MV to go to internet chat rooms, have sexual conversations with older males, and send them sexual pictures of herself to solicit sexual pictures from the men. "Daniel Adam James" then told MV to screenshot all of the conversations and send them to him via text.

10. "Daniel Adam James" also sent MV at least one picture of his erect penis. At one point "Daddy/Daniel Adam James" told MV, "Call me a pedophile," and "I'm a pedophile too I touched my cousin." After being told MV was 15 years old, "Daddy/Daniel

Adam James” said things such as the following to MV: “You are to obey daddy”, “Have you had dick before”, “Want to touch it lil girl without my boxers”, “Excuse me lil one get out of your damn clothes”, “Where would you want my cock first if we met”, “Do you want daddy to fuck you lil girl”, “I want you to pee on my face and my mouth”, “Daddy wants to get you pregnant”, “Will you come see me”, “Could I come see you”, “Do you shave your pussy”, “I want to see your naked body...And your lil girl parts”, “Do you want to see daddy’s boy parts”, “I want your virginity”, “...will you have my baby”, “I want you to teach them and show our son a blow job”, “Will you let our daughter suck me”, “Then I would eat your lil pussy”, “Touch your own pussy”, “What do I get sexy...Pussy picture”, “Touch that pussy for daddy”, “I want to see your pussy”, “Got pussy pic just now”, and “Send me a pussy pic...[.]”

11. “Daniel Adam James” also texted MV pictures of himself which Independence Police observed. Independence Police accessed the New York State Sex Offender Registry web site, and positively identified “Daniel Adam James” as the Daryll Clark being supervised by New York State Parole and living at 45 Chamberlain Street in Rochester.

12. Other text messages were located on MV’s cell phone between MV and “Mommy” (585-XXX-5664, assigned to a roommate of CLARK) between March 18, 2020, and April 28, 2020. “Daniel Adam James” told MV to text his sister “Sara”, who he had an incestuous relationship with, using “Mommy’s” cell phone number of 585-XXX-5664. In the texts between MV and “Mommy”, MV sends approximately 5 pictures of her vagina and 2 videos of her touching her vagina with foreign objects, to “Mommy” at “Mommy’s”

request. After MV identified herself to “Mommy” as being 15 years old, “Mommy” requested pictures of MV’s vagina. “Mommy” also sent MV at least one picture of his erect penis. At one point, “Mommy” told MV to “look up pics of kids in bathing suits show what kinda lil girl you like”, and “find pics of kids you think are sexy.” At another point, “Mommy” expressed his sexual interest in children stating, “I like lil white girls who let there ass cheeks hang out...about four to thirteen”, “I love little kids”, “I’m a pedophile”, “I love touching my kids”, and “I ate my daughter as a newborn.”

13. After being told MV was 15 years old, “Mommy” said things such as the following to MV: “you like big Dicks”, “hey sexy I want to suck your nipples”, “can I see your pussy”, “ill spread my legs for you”, “eat my fucking pussy now my little slut”, “now little girl eat it or ill force you”, “little girl ill fuck you with a 12 inch dildo”, “you like newborn pussy”, “that is a nice pussy”, and “can I lick that pussy.”

14. Other text messages were located on MV’s cell phone between MV and “Daddy’s Friend Michael” (585-XXX-7679) on March 31, 2020, and April 1, 2020. “Daddy’s Friend Michael” sent several internet links to MV that depicted prepubescent children at the beach in various states of nudity. At one point, “Daddy’s Friend Michael” told MV, “This is his roommates phone this phone is not DJs.”

15. On June 26, 2020, MV was forensically interviewed and reported she was in an online chat room where she began chatting with “Daniel Adam James.” He gave her his phone number and they started texting. MV advised she told him she was 15 years old when

they started texting, and he told her he was 24 years old. MV said she later found out he was 30 years old. MV advised they talked and texted for approximately two months, and she called him "Daddy." MV advised that during that time period he requested several sexual pictures and videos of her, including images of her vagina, and she sent them to him. MV advised that he also sent her several pictures of his penis. MV advised he also asked her to send him pictures of "little kids." MV confirmed he also sent her pictures of little girls, either in panties or bikinis. MV said he also wanted her to touch her sister and take pictures of her sister, but she said no. When asked about "Mommy", MV indicated she thought "Mommy" was probably "Daniel Adam James' /Daddy's" sister.

16. I have observed many of the pictures and videos sent to "Daddy" and "Mommy" by MV of MV referred to above, and based upon your affiant's training and experience in the investigation of child pornography cases, they constitute child pornography, as defined by Title 18, United States Code, Section 2256(8).

17. On October 1, 2020, CLARK was interviewed by FBI Task Force Officer Chris Toscano. CLARK acknowledged communicating with MV on an internet chat site and then text messaging her. When asked what he had done with the images of MV, CLARK stated that he had deleted them. CLARK also acknowledged that he used his roommate's cell phone (585-XXX-5664) to communicate with MV as well. CLARK stated that he knew he would be going to jail.

**CONCLUSION**

18. Based upon the forgoing, I respectfully submit there is probable cause to believe that the defendant, DARYLL CLARK, did violate Title 18, United States Code, Section 2251(a), in that he knowingly and willfully persuaded MV to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, knowing that such visual depiction was transmitted in interstate commerce.



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Barry W. Couch  
Special Agent  
Federal Bureau of Investigation

Subscribed and sworn to before me  
this 1<sup>st</sup> day of October, 2020



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HON. MARK W. PEDERSEN  
United States Magistrate Judge